

have disseminated or have caused the dissemination of these promotional materials to consumers.

7. In numerous instances, respondent has represented that *Pure Performance* paints contain “Zero VOCs,” including but not limited to the following statements or depictions:

A. PPG Printed Promotional Material:

ENVIRONMENTALLY PREFERRED PAINT

- ZERO VOC
- VERY LOW ODOR—PAINT
TODAY, OCCUPY TONIGHT
- DURABLE, WASHABLE,
BEAUTIFUL
- PAINT “GREEN”
IN ANY COLOR

Exhibit A.

B. PPG Printed Promotional Material:

pure performance[®]

ENVIRONMENTALLY GENTLE

SUPERIOR PERFORMANCE

.....

ZERO VOCs

Contains no volatile organic compounds (VOC), eliminating detrimental impact on air quality

PAINT “GREEN” IN ANY COLOR

Available in over 1,800 clean, vibrant colors from the Voice of Color[®] design system

.....

Exhibit B.

C. PPG's Website:

pure
performance®

It's a concept that few manufacturers have managed to pull off. We, however, managed it beautifully. A paint that's environmentally gentle yet still offers superior performance. Pure Performance®, with zero VOC and low odor, its exceptional quality transforms any interior space.

....

Description

Certified as a top quality paint by the Master Painters® Institute (MPI), Pure Performance® is safe for all painting projects and guarantees professional results every time you use it.

- Zero Volatile Organic Compounds (VOC)

....

Available Colors

Tints to all 1,890 colors in The Voice of Color® System. **More info**

THE VOICE OF COLOR®
PPG PITTSBURGH PAINTS

Exhibit C (www.ppgpittsburghpaints.com).

D. **Script of 60-Second Radio Advertisement:**

Did you know it's possible to paint your room today and occupy it tonight – with no unpleasant or lingering odors? It is possible when you choose *Pure Performance* by PPG. *Pure Performance* is THE environmentally preferred paint – with very low odor and ZERO VOCs. And it offers superior hiding, washability, and stain removal. With *Pure Performance* you don't have to sacrifice being "green" for premium quality... which is why so many hospitals, schools and healthcare facilities demand *Pure Performance* for their jobs. And *Pure Performance* is available in nearly 2000 colors in the *Voice of Color* palette, not just the handful of colors offered by some other environmental paints. For better products, better service, better color tools and better results, head to your PPG *Pittsburgh* Paints dealer today and ask for the environmentally preferred paint that doesn't sacrifice quality – ask for *Pure Performance* by PPG. Available at... 10- second tag (customizable by dealer).

Exhibit D (emphasis and ellipses in original).

E. *Pure Performance* Paint Can Label:

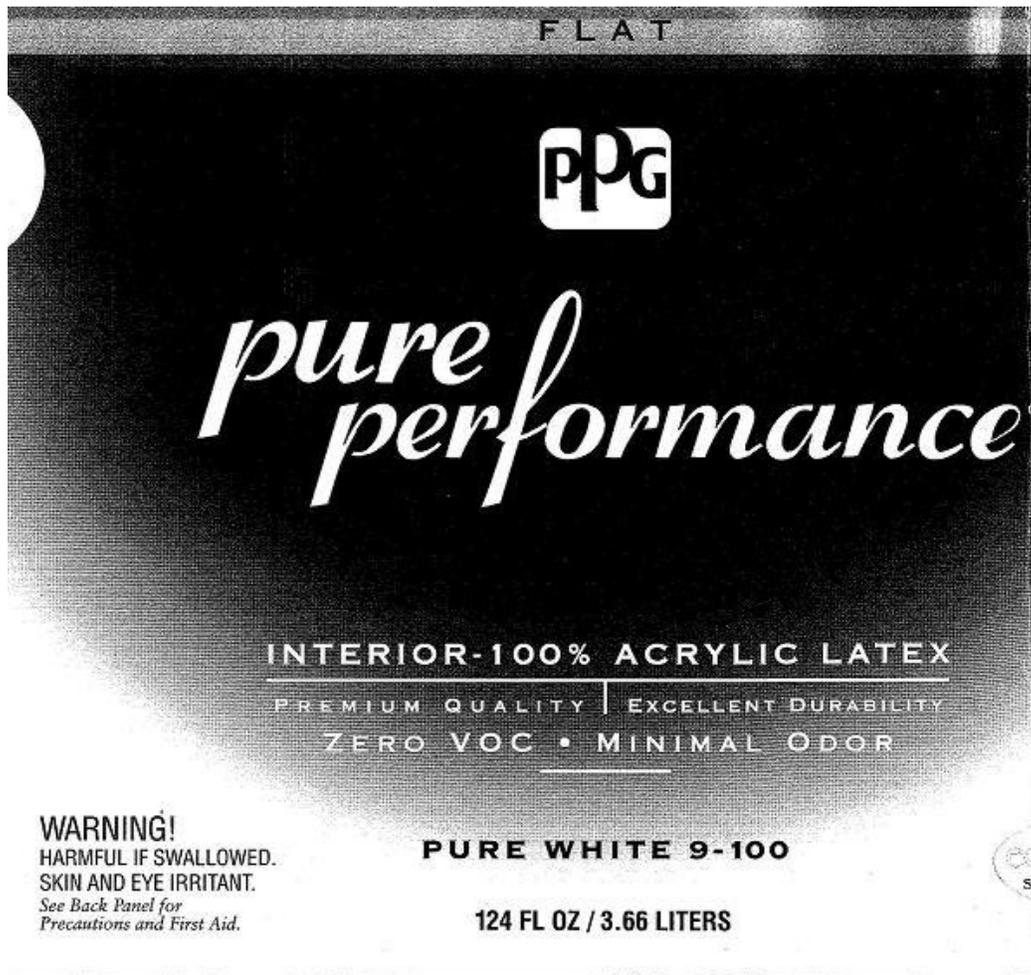


Exhibit E.

8. Consumers likely interpret a representation that a paint contains “Zero VOCs” to mean that the quantitative measure of the VOC level is zero grams per liter, or that the VOC level is “trace” (or effectively zero) where: (a) VOCs have not been intentionally added to the paint; (b) the presence of VOCs at that level does not cause material harm that consumers typically associate with VOCs; and (c) the presence of VOCs at that level does not result in concentrations higher than would be found at background levels in the ambient air.

9. In numerous instances, *Pure Performance* paints contain more than a trace level of VOCs after tinting.

COUNT I (False or Misleading Representation)

10. Through the means described in Paragraphs 6 and 7, respondent has represented, expressly or by implication, that all *Pure Performance* paints, including paints with color added, contain zero VOCs.

11. In truth and in fact, in numerous instances, *Pure Performance* paints do not contain zero VOCs after color is added. Therefore, the representation set forth in Paragraph 10 is false or misleading.

COUNT II (Unsubstantiated Representation)

12. Through the means described in Paragraphs 6 and 7, in numerous instances, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representation set forth in Paragraph 10, at the time the representation was made.

13. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 10, at the time the representation was made. Therefore, the representation set forth in Paragraph 12 is false or misleading.

COUNT III (Means and Instrumentalities)

14. Respondent has distributed the promotional materials described in Paragraphs 6 and 7 to independent distributors and retailers. In so doing, respondent has provided them with the means and instrumentalities for the commission of deceptive acts or practices.

15. Respondent's practices, as alleged in this complaint, constitute deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission, this _____ day of _____ 2012, has issued this complaint against respondent.

By the Commission.

SEAL:

Donald S. Clark
Secretary